

ReedSmith

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***VIA Facsimile #412.394.3348 and  
U.S. First Class Mail***

Michael D. Glass, Esquire  
Polito & Smock, PC  
Four Gateway Center, Suite 400  
Pittsburgh, PA 15222-1237

Re: **Burchick Construction Company, Inc. v. HBE Corporation**  
**USDC Western District of Pennsylvania, Docket No. 05-CV-12E**

Dear Mr. Glass:

This shall confirm our telephone conversation today, also attended by John Riordan, by which I understand you will now be stepping in for Mr. Riordan in representing HBE Corporation in the above-referenced matter.

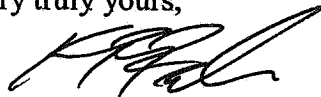
I understand that you are requesting Burchick's consent to a motion for enlargement of time to conduct discovery and to amend the counterclaim. Burchick is not willing to consent to either of those requests.

This letter also confirms our conversation that the agreements already reached between myself and John Riordan with respect to the production of a Rule 30(b)(6) deposition witness will be observed by HBE. I had agreed to extensions to accommodate the schedules of HBE and Mr. Riordan. However, my agreement with Mr. Riordan was to take the Rule 30(b)(6) deposition the week of September 19, but no later than September 23. I would appreciate hearing from you with a specific date prior to this Friday so as to avoid the filing of any discovery motions in this regard.

Further, this confirms that HBE will comply with its earlier agreement to produce a 30(b)(6) witness or witnesses regardless of the result of any motion to enlarge discovery presented by HBE.

I look forward to hearing from you.

Very truly yours,



Kurt F. Fernsler

KFF:jam

cc: David Meuschke

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